IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 8TH NOVEMBER 2006 / 17TH KARTHIKA 1928

Bail Appl..No. 6593 of 2006()

CRIME NO.1078/2006 OF KOTTARAKKARA POLICE STATION

PETITIONER/ACCUSED:

PRASAD, S/O.UPENDRAN,
VALIYAVILA VEEDU, ANTHAMAN MURI,
KALAYAPURAM VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, KOTTARAKKARA
POLICE STATION THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6593 of 2006

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Dated this the 8th day of November, 2006

O R D E R

The petitioner is accused in Crime No.1078/2006 of Kottarakkara Police Station, for the offence punishable under Section 498A I.P.C., read with Section 34 of the Indian Penal Code. The prosecution alleges that the petitioner assaulted his wife, when she failed to bring more dowry as demanded by him. She was hospitalised. She gave F.I.Statement to the police from the hospital. Hence, the crime has been registered. Therefore, the petitioner is before this Court under Section 438 Cr.P.C.

2. When this application came up for consideration, the learned counsel for the petitioner, Mr.C.Rajendran, submitted that the parties are settling the matter among themselves. There is a child aged about nine years. The petitioner is aged about 35, and the wife, the complainant, is aged about 30 years.

3. In such circumstances, I am of the opinion that an opportunity be given to settle the case among themselves.

With that view, the petitioner is directed to surrender before the Investigating Officer, who is investigating Crime No.1078/2006 of Kottarakkara Police Station, on 16/11/2006, at 10 a.m.

4. The Investigating Officer shall interrogate the petitioner and, in the event of his arrest, release him on bail, on his executing a bond for Rs.20,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

5. If the parties settle the matter among themselves, such settlement shall be recorded by the Investigating Officer and report as per the procedure be filed before the court below, who shall, in such circumstances, if satisfied, pass appropriate orders closing the matter.

(J.M.JAMES)
Judge

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